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**TO:** Roy Gibson, Examiner

**FROM:** Kevin D. McCarthy

**FAX NO.** 571-273-4767

**RE:** Serial No.: 10/728,410  
Our File No.: 0-03-239

**DATE:** September 20, 2005

**NUMBER OF PAGES TRANSMITTED: COVER + 9**

**MESSAGE:**

Attached is a copy of the response to the office action that was mailed on March 11, 2005 along with a copy of the return postcard from the USPTO.

Please contact KRISTEN immediately if all pages are not received or if we are disconnected during transmission.

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Patent 0-03-239

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Paolini  
Title: INFLATABLE BLANKET WITH A TIE  
Serial No. 10/728,410  
Filing Date: December 5, 2003  
Examiner: Roy D. Gibson  
Art Unit 3739

## RESPONSE

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

This response is in reply to the office action mailed on March 11, 2005.

In the office action, the examiner (1) rejected claims 1-3 and 5,6,8,9,11,12,14,19, and 21 as being unpatentable over Anderson et al. (6,309,409) in view of Islava (6,719,711); (2) objected to claims 4, 7, 10, 13 and 20 as being dependent upon a rejected base claim but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claim; and (3) allowed claims 15-18.

The allowance and the objections are greatly appreciated. The applicant has not amended claims 15-18 which were rendered allowable. The applicant has (a) incorporated the language of objected to claim 10 into independent claim 9; (b) incorporated the original language of independent claim 9 into objected to claim 13 (there were no intervening dependent claims); and (c) incorporated the language of objected claim 20 into independent claim 19. That means, these claims and dependent claims should be allowable over the cited references.

Applicant amended claim 1 to change the term "fixedly" to "permanently." The antecedent basis for this amendment can be found at page 7, line 22. This amendment was inserted because the examiner interpreted the phrase to "fixedly" to mean "removably" which includes "Velcro type fastener" of Islava. To overcome this overly broad interpretation, applicant has amended the language in claim 1 accordingly. By using the term "permanently" the applicant is by no means stating that the attachment portion can never be removed. The attachment portion that is permanently attached to a non-periphery surface of the inflatable apparatus will remain attached to each other but can be separated from each other through an excessive force applied to either the portion

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or the surface, an unanticipated force applied to either the portion or the surface and/or normal wear and tear. The term "permanently" does not refer to a device like "Velcro type fastener" that is designed to be easily removed without any excessive and/or unanticipated force. This interpretation conforms to the ordinary definition of "permanently" for the ordinary artisan in this industry.

Anderson et al. in view of Islava fail to disclose, teach, or suggest "an elongated tie strap having an attachment portion that is permanently attached to a non-periphery surface of the inflatable apparatus" or an equivalent thereof. In contrast, both references disclose a strap that is (a) fixed to the periphery surface or (b) independent of the entire device and attached by a "Velcro type fastener"; neither of which are permanently attached to the device as claimed in claim 1.

The claims (amended, canceled, and in original form) are set forth on page 3 of this response.

For at least the above-identified reasons, this applicant petitions the Commissioner for Patents to allow this application to issue as a patent.

Respectfully submitted,

Date: 4/8/05

By: Kevin D. McCarthy  
Kevin D. McCarthy, Reg. No. 35,278

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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date below:

Date: 4/8/05

Kevin D. McCarthy  
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